

WINDOW GLASS MEN UNDER INDICTMENT

Leading Manufacturers of
Country Charged With
Restriction of Trade.

102 DEFENDANTS IN ALL

President of Workers and
a Brokerage Firm In-
cluded in Net.

SWEEPING CHARGES MADE

Production Curtailed, Arbi-
trarily Controlling Its Sale,
Shipment and Delivery.

Joseph M. Neenan, labor leader and president of the National Glass Workers; the Johnston Brokerage Company of Pittsburgh and 102 other defendants, including the leading window glass manufacturers of the country, were indicted yesterday by the retiring Federal Grand Jury, which has been investigating evidence produced in the sessions of the Lockwood investigating committee in regard to the actions of labor and manufacturers of building materials. The corporations named in the indictment comprise about two-thirds of the window glass industry of the country.

The defendants named in the indictment are all charged generally with formation or participation in a conspiracy and combination to suppress competition, maintain excessive and extortionate prices and to curtail the production and supply of window glass, thereby arbitrarily controlling its sale, shipment and delivery into this district as well as to other States. The indictment specifies the manner in which this alleged restriction on the production was accomplished.

Price Fixing Scheme.
According to the information on which the indictment is based, the defendants arranged a price fixing scheme for the window glass output and appointed a sole selling agent through whom all the glass was to be sold, this agent to fix the prices for all the manufacturers of the glass. It is charged that the Johnston Brokerage Company of Pittsburgh, with offices in this city and in other cities throughout the East and middle West, was the selling agent for the glass manufacturers and also set the prices and apportioned the business among the various glass concerns.

An agreement, the indictment alleges, was entered into by the Johnston Brokerage Company and others of the general glass combination with the labor union of the National Window Glass Workers, through Neenan, their head, whereby the quantity of glass to be produced each year by each concern would be preordained and prescribed. The amount of glass to be manufactured by each employee was also set down, it is charged, and the rules of the agreement were that the employees would not work for any manufacturer of window glass who did not sign the so-called "wage scales" which were required of them.

Under a plan known as the "twenty-three week system" the factories were permitted by the combine to operate about twenty-three weeks out of the year. A certain quota of the manufactured product was set, it is alleged, as was also brought out in the Lockwood testimony, and when the manufacturer completed this quota he shut down whether or not he had been running the full twenty-three weeks allotted. In some cases it was divulged that the

manufacturer was permitted to continue over a week or two if his quota had not been completed, but he was not permitted to overproduce nor were the workers permitted to work for any longer time. Thus the laborers had to take what was handed to them or look for other work in the city or town where the factory was situated. In short, Neenan is alleged to have "sold out" his own men to the combination, for it is said that few of the actual workers benefited by the arrangement, and many were forced to lay idle for months under the system.

Fines and other penalties were inflicted by the combination on the manufacturer who didn't live up to the letter of the alleged agreement, according to the indictment. The results of the combination, it was charged, boosted the price of window glass nearly 400 per cent, according to figures presented to the Lockwood committee. Attorneys for the government said yesterday that the amount of money involved in the price boosting amounted to greatly in excess of \$100,000,000, and that the practice has been going on for the last six or seven years, and possibly longer.

In commenting on the case, Assistant to the United States Attorney David Podell, who, with Leland R. Duer, presented the case to the Grand Jury, said that this was the first criminal prosecution against a labor leader for engaging in a criminal conspiracy in the history of the United States courts here.

John R. Johnson, Sr., former head of the brokerage company indicted, died last fall, and his son, John R. Johnson, Jr., who recently left school, has been acquainted with the business. He was not indicted and, according to the counsel for the government, he has assisted the Grand Jury in the course of the investigation into the workings of the combine.

United States Attorney William Hayward said, "In this instance we find the combination taking no such chances as the other combines took with each other. They simply designated one concern as the exclusive selling agency, and that agency fixed prices for the group and allocated the various jobs to the various companies. We have included the president of the labor organization because of the part he played in manipulating the so-called wage scale, which was really intended to curtail the production of the plants, so as to reduce the supply of glass."

It is said that as the result of the workings of the combination glass which sold for about 75 cents per square foot was boosted to sell for \$3.35 per square foot. The arrival in this country of a considerable amount of foreign glass recently forced a cut in this price. Those indicted will be notified to appear for pleading to the indictment within the next week.

List of Those Indicted.

The individuals and corporations named in the indictment were: The Allegheny Window Glass Company, Port Allegheny, Pa., and its president, R. W. Hilton; Alliance Window Glass Company, Salem, W. Va., and its president, A. Hamberg; Blackford Window Glass Company, Vincennes, Ind., and Frank Smith, secretary-treasurer and general manager; Baker Bros. Glass Company, Okmulgee, Okla., and Charles H. Baker, secretary and general manager; Brookville Glass and The Company, Brookville, Pa., and Gus Dupleroux, president; Big Horn Glass Products Company, Lovell, Wyo., and W. G. Shaw, president; Charleston Window Glass Company, Charleston, W. Va., and W. O. Hemick, president; Clarksburg Glass Company, Clarksburg, W. Va., and W. R. Smith, secretary and treasurer; Connelly Glass Company, Caney, Kan., and Armour Loriaux, vice-president; Crown Window Glass Company, Maumee, Ohio, and Myron L. Case, president; Camp Glass Company, Huntington, W. Va., and Thomas W. Camp, former president, also former president of the Empire Glass Company and Smethport (Pa.) Glass Company; Doddridge Window Glass Company, West Union, W. Va., and J. G. Charter, president; Dunkirk Window Glass Company, South Charleston, W. Va., and George A. Schloesser, president; F. F. Rigall, former secretary of the Camp Glass Company, Huntington, W. Va.; Eldred Window Glass Company, Funkstown, Pa., and Achille C. Wargny, president; Ellis Run Window Glass Company, Funkstown, Pa., and Adolphe Wazelle, Jr., president.

STRAUSS OPERETTA SING.

The season of German operetta at the Manhattan Opera House took another turn last night with the first performance in New York of Strauss's light work, "Friedrichshagen." This attractive piece was performed in the original tongue, with a careful attention to detail, by a competent company that embraced Anna Darre Rayhl, Rosa Buska, Clairette Clair and Aladar Prince. Colorful costumes and new scenery gave the production a picturesque effect.

WHITTLESEY DISAPPEARS FROM STEAMSHIP AT SEA

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care of a physician. One of Col. Whittlesey's brothers left early in the evening for Pittsfield, Mass., to break the news to their father.

Lieut. R. K. Haas, who was with the headquarters company of Col. Whittlesey's command in the Argonne, said he saw his old chief last week and had a chat with him. He thought the Colonel was "normal and happy."

Col. Whittlesey had recently been active outside his law practice as chairman of the Red Cross roll call for the New York County Chapter. He supervised the enrollment, organized committees and obtained divisional chairmen for the campaign to get 500,000 members at \$1 each.

Escaped From German Trap.

The adventure of Col. Whittlesey and the "Lost Battalion" was one of the truly thrilling chapters of the war. Whittlesey and his men advanced into the Argonne Forest on October 2, 1918. The Germans cut them off and surrounded them. Runners who tried to get back without food altogether, the little band lay in wet leaves and mud, starving and subjected to almost incessant fire by the German machine guns.

On October 7 relief came. When the Lost Battalion marched out of the forest it had only 194 un wounded men. Whittlesey's modesty when he returned to this country captivated the public anew. He always denied that when the Germans sent a messenger with a demand for the battalion's surrender he sent back the message "Go to hell." He insisted that as a matter of fact he sent back no message at all. But throughout the world he became celebrated as the American who had told

the Germans to "go to hell." The people liked the story and wanted it that way, and probably Whittlesey's conduct never will catch up with the truth.

Charles W. Whittlesey was born in Pittsfield, Mass., thirty-nine years ago. His parents are Mr. and Mrs. Frank S. Whittlesey of Pittsfield. He was graduated from Williams College in 1905 and then from the Harvard Law School. At Williams they called him Chick Whittlesey. He started practicing law in New York and eventually became a partner of J. B. Pruyn at 2 Rector street. He was one of the first Americans to go to Plattsburg training camp, and soon after the war started he was a Captain—not in the Judge Advocate General's department, to which he was easily eligible, but in the infantry. He was quickly promoted to be a Major. In the fall of 1918 his command was cut off twice—once in the week of September 26 and again in the week of October 2. It was the first of these hazards, lasting twenty-four hours, that was ended soon after the runner Jack Munson, with P. C. Herskowitz and Lieut. Arthur McKough, got back to the American lines. The second was the five day episode.

Whittlesey's command was 463 officers and men of the 308th Infantry and Company K of the 397th Infantry. They attacked L'Homme Mort on October 1, and on the following day were ordered to advance to a definite objective on the side of a ravine, this being part of the first American attack west of Verdun. They lost contact with the troops to the right and left of them, and the Germans infiltrated behind them without being seen and cut them off.

Telling the story himself, Whittlesey said: "The Germans gave us fits, but according to an invariable routine. They machine gunned us at certain times, used trench mortars twice daily and along in the afternoon of every day they used their potato mashers (hand grenades). Our fine machine gunners held their fire until the Boches were near, then let them have it until their yelling ceased and the attack was over. Twice the Germans attacked from the flanks, and then we had the simple task of mowing them down. We had used

up our emergency rations the first time we were surrounded and had had no chance to replenish the supply. At the end of the first day we had nothing to eat at all. We got water from a swamp but for the thick leaves, the swamp water and the good weather."

No Thought of Surrender.

One package of supplies fell not far away, but a doughboy who crawled out to get it was killed by snipers. Several American planes were brought down while trying to succor the Lost Battalion and one pilot was killed. The battalion did not once try to fight its way back. It had been ordered to take the position and hold on, and that it did. On the fourth day came the German demand for surrender. The best information as to the reply was that Major Whittlesey, in telling other officers how such a message should be received, used the words "Go to hell" or its equivalent. But the fact is he sent back no written answer whatsoever. What he did, as soon as he read the German message, was to order the immediate removal of all white cloth that had been spread out on the hill to indicate the battalion's position to American planes that were trying to bring assistance. He was afraid the Germans might mistake this cloth for the white flag.

When the rest of the Seventy-seventh Division had fought its way up to the Lost Battalion Whittlesey's men were full of stories of his hourly messages, "Keep cool, men"; of his unflinching serenity, of his crawling about until he saw every one of his men each day, though any motion was perilous; of his giving away what rations he had the first day; of how calming it was indeed just to see him shoving each morning as calmly as if he were back in Paris.

Whittlesey was promoted to Lieutenant Colonel soon after he came out of the Argonne. He returned to New York November 14, 1918. He discouraged all efforts to make a lion out of him, but gave no end of credit to Capt. George C. McMurry, to other officers and to privates who distinguished themselves. The only place where he would do any talking at all was the Williams Club, and there it was hard to drag anything out of him about the Lost Battalion.

He reported at Camp Dix after his re-

turn and was expecting to return to active service. But when the armistice was signed he resigned from the army. On December 6, 1918, the first three men to receive the highest American military decoration, the Congressional Medal of Honor, were named by President Wilson. Whittlesey's name was first and Capt. McMurry's second. The decoration was pinned on Whittlesey by Major-Gen. Clarence R. Edwards on Boston Common.

After the war Whittlesey continued to interest himself in the welfare of men who had fought under him. In September last year he went to Ellis Island to plead for the admission as an immigrant of a Polish youth who was a cousin of one of the Lost Battalion veterans. But before his appeal could be acted upon in Washington the youth, who had crossed the Atlantic as a stowaway, escaped from Ellis Island and disappeared.

NEW PLANET DISCOVERED.

Found in Group of Asteroids by Argentine Astronomer.

BUENOS AIRES, Nov. 28 (Associated Press).—The discovery of a new planet in the group of asteroids which revolve between the orbits of Jupiter and Mars is announced by Dr. Hartmann, director of the observatory of the University of La Plata.

The planet is of the fourteenth magnitude and is seen at present from this latitude in the constellation Cetus, which lies south of the "Great Square" of Pegasus, now visible in the evening sky.

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